

1 James F. Basile (SBN 228965)  
james.basile@kirkland.com  
2 Elizabeth L. Deeley (SBN 230798)  
elizabeth.deeley@kirkland.com  
3 KIRKLAND & ELLIS LLP  
555 California Street  
4 San Francisco, California 94104  
Telephone: (415) 439-1400  
5 Facsimile: (415) 439-1500

6 Attorneys for Defendants  
FACEBOOK, INC.; MARK ZUCKERBERG; DONALD  
7 E. GRAHAM; DAVID A. EBERSMAN; JAMES W.  
BREYER; DAVID M. SPILLANE; PETER A. THIEL;  
8 MARC L. ANDREESSEN; REED HASTINGS; and  
ERSKINE B. BOWLES  
9

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 MICHAEL LIEBER, individually, and on behalf of  
other members of the general public similarly  
14 situated,

15 Plaintiff,

16 v.

17 FACEBOOK, INC.; MARK ZUCKERBURG (*sic*);  
DONALD E. GRAHAM; DAVID A. EBERSMAN;  
18 JAMES W. BREYER; DAVID M. SPILLANE;  
PETER A. THIEL; MARC L. ANDREESSEN;  
19 REED HASTINGS; ERSKINE B. BOWLES;  
MORGAN STANLEY & CO. LLC; J.P. MORGAN  
20 SECURITIES LLC; GOLDMAN, SACHS & CO;  
MERRILL LYNCH; E\*TRADE SECURITIES  
21 LLC; OPPENHEIMER & CO., INC.; BARCLAYS  
CAPITAL INC.; CITIGROUP GLOBAL  
22 MARKETS INC.; CREDIT SUISSE SECURITIES  
(USA) LLC; PIERCE, FENNER & SMITH  
23 INCORPORATED; ALLEN & FACEBOOK (*sic*)  
LLC; DEUTSCHE BANK SECURITIES INC.;  
24 RBC CAPITAL MARKETS, LLC; MURIEL  
SIEBERT & CO., INC.; CABRERA CAPITAL  
25 MARKETS, LLC; BMO CAPITAL MARKETS  
CORP.; CASTLEOAK SECURITIES, L.P.;  
26 LAZARD CAPITAL MARKETS LLC; PACIFIC  
CREST SECURITIES LLC; LOOP CAPITAL  
27 MARKETS LLC; ITAU BBA USA SECURITIES,  
INC.; WILLIAM BLAIR & FACEBOOK (*sic*),  
L.L.C.; BLAYLOCK ROBERT VAN LLC;

CASE NO. 12-CV-3202 (MMC)

**CLASS ACTION**

**STIPULATION REGARDING  
SCHEDULING AND ORDER THEREON**

DATE: August 3, 2012

TIME: 9:00 a.m.

JUDGE: The Hon. Maxine M. Chesney

CTRM: 7, 19<sup>th</sup> Floor

1 LEBENTHAL & CO. LLC; M.R. BEAL &  
2 FACEBOOK (*sic*); MACQUARIE CAPITAL  
3 (USA) INC.; PIPER JAFFRAY & CO.; COWEN  
4 AND FACEBOOK (*sic*), LLC; RAYMOND  
5 JAMES & ASSOCIATES, INC.;  
6 STIFEL, NICOLAUS & FACEBOOK (*sic*),  
INCORPORATED; C.L. KING & ASSOCIATES,  
INC.; SAMUEL A. RAMIREZ & FACEBOOK  
(*sic*), INC.; COWEN & FACEBOOK (*sic*), LLC;  
THE WILLIAMS CAPITAL GROUP, L.P.; and  
Does 1 through 100, inclusive,

7 Defendants.

8 WHEREAS, on June 20, 2012, certain defendants removed the following actions from the  
9 Superior Court for the State of California for the County of San Mateo to the United States District  
10 Court for the Northern District of California (the "Removed Actions"):<sup>1</sup>

11       *Lapin v. Facebook, Inc., et al.*, Case No. 12-cv-3195-MMC, San Mateo County  
12 Superior Court, No. CIV-514240;

13       *DeMois v. Facebook, Inc., et al.*, Case No. 12-cv-3196-MMC, San Mateo County  
14 Superior Court, No. CIV514163;

15       *Lazar v. Facebook, Inc., et al.*, Case No. 12-cv-3199-MMC, San Mateo County  
16 Superior Court, No. CIV 514065;

17       *Shierry v. Facebook, Inc., et al.*, Case No. 12-cv-3200-MMC, San Mateo County  
18 Superior Court, No. CIV-514172;

19       *Cuker v. Facebook, Inc., et al.*, Case No. 12-cv-3201-MMC, San Mateo County  
20 Superior Court No. CIV 514238;

21       *Lieber v. Facebook, Inc., et al.*, Case No. 12-cv-3202-MMC, San Mateo County  
22 Superior Court No. CIV-514193; and

23       *Stokes v. Facebook, Inc., et al.*, Case No. 12-cv-3203-MMC, San Mateo County  
24 Superior Court, No. CIV514107;

25 WHEREAS, prior to the removal to the United States District Court for the Northern District  
of California, the Removed Actions were consolidated by order of the Honorable Beth L. Freeman,  
Presiding Judge of the Superior Court of the State of California for the County of San Mateo and co-

26       <sup>1</sup> Two other actions that were removed, *Pilgram v. Facebook, Inc., et al.*, Case No. 12-cv-3197-  
27 MMC, San Mateo County Superior Court, No. CIV-514111 and *Alfonso v. Facebook, Inc., et al.*,  
Case No. 12-cv-3198-MMC, San Mateo County Superior Court, No. CIV-514171, have since been  
28 voluntarily dismissed and marked closed on this Court's docket. Accordingly, the parties are not  
including these actions in the stipulation.

1 lead counsel for the Removed Actions were appointed by Order of the Honorable Marie S. Weiner,  
2 Complex Civil Litigation Judge of the Superior Court of the State of California for the County of  
3 San Mateo;

4 WHEREAS, on June 21, 2012 and June 22, 2012, plaintiffs filed motions to remand each of  
5 the Removed Actions to the Superior Court for the State of California for the County of San Mateo;

6 WHEREAS, on June 21, 2012, motions to stay each of the Removed Actions were filed on  
7 behalf of defendants;

8 WHEREAS, on June 29, 2012, the Removed Actions were deemed related to actions pending  
9 before this Court and were subsequently transferred to this Court;

10 WHEREAS, pursuant to the order reassigning each of the Removed Actions to this Court, all  
11 hearing dates on outstanding motions were vacated and the parties were ordered to re-notice said  
12 hearings;

13 WHEREAS, the Court's ECF filing system was inoperable and the parties were unable to re-  
14 notice these hearings by electronic filings on Thursday, June 28, 2012 or Friday, June 29, 2012;

15 WHEREAS, the re-notice of the motions to stay on behalf of defendants were physically  
16 filed on June 29, 2012 and were accepted by the Court;

17 WHEREAS, plaintiffs' counsel, after contacting the Clerk's office when the ECF filing  
18 system was inoperable and being advised that a physically refiled motion would be rejected because  
19 these actions are designated for electronic filing only, and, therefore, plaintiffs physically filed their  
20 re-noticed motions to remand on the next business day, Monday, July 2, 2012;

21 WHEREAS, the parties hereto agree that in the interest of judicial economy, plaintiffs'  
22 motions to remand the Removed Actions and motions on behalf of defendants to stay the Removed  
23 Actions should be briefed and heard on the same schedule; and

24 WHEREAS, the parties hereto wish to have the motions to stay and the motions to remand  
25 the Removed Actions heard on the same date, that date being August 10, 2012.

26 NOW THEREFORE THE PARTIES STIPULATE AND AGREE that:

27 All briefing in response to either the motions to remand the Removed Actions or the Motions  
28 to Stay the Removed Actions should be served on the parties and filed with the Court no later than

1 July 10, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief;

2 All reply briefs in support of the motions to remand the Removed Actions or the motions to  
3 stay the Removed Actions should be served on the parties and filed with the Court no later than July  
4 18, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief; and

5 In each of the Removed Actions, the parties will file amended notices of the motions to  
6 remand and amended notices of the motions to stay setting August 10, 2012 at 9:00 A.M. as the  
7 hearing date for said motions.

8 Dated July 3, 2012

**KIRKLAND & ELLIS LLP**

9 */s/ James F. Basile*  
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JAMES F. BASILE

11 James F. Basile  
12 Elizabeth L. Deeley  
13 555 California Street, 27th Floor  
14 San Francisco, CA 94104  
Telephone: (415) 439-1471  
Facsimile: (415) 439-1371

15 **KIRKLAND & ELLIS LLP**

16 Andrew B. Clubok  
17 Brant W. Bishop  
18 601 Lexington Ave.  
New York , NY 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

19 and

20 **WILLKIE FARR & GALLAGHER LLP**

21 Richard D. Bernstein  
Tariq Mundia  
Todd G. Cosenza  
787 Seventh Avenue  
23 New York, N.Y. 10019-6099, U.S.A.  
Telephone: (212) 728-8000  
Facsimile: (212) 728-8111

25 *Attorneys for Defendants Facebook, Inc., Mark*  
26 *Zuckerberg, David A. Ebersman, David M.*  
27 *Spillane, Marc L. Andreessen, Erskine B.*  
*Bowles, James W. Breyer, Donald E. Graham,*  
*Reed Hastings, Peter A. Thiel*

Dated July 3, 2012

# BARRACK, RODOS & BACINE

/s/ *Samuel M. Ward*

SAMUEL M. WARD

STEPHEN R. BASSER  
SAMUEL M. WARD  
One America Plaza  
600 West Broadway, Suite 900  
San Diego, CA 92101  
Phone: (619) 230-0800  
Fax: (619) 230-1874  
Email: [sbasser@barrack.com](mailto:sbasser@barrack.com)  
[sward@barrack.com](mailto:sward@barrack.com)

and

## **BARRACK RODOS & BACINE**

DANIEL E. BACINE  
MARK R. ROSEN  
BETH T. SELTZER  
3300 Two Commerce Square  
2001 Market Street  
Philadelphia, PA 19103  
Phone: (215) 963-0600  
Fax: (215) 963-0838  
Email: [dbacine@barrack.com](mailto:dbacine@barrack.com)  
[mrosen@barrack.com](mailto:mrosen@barrack.com)  
[bseltzer@barrack.com](mailto:bseltzer@barrack.com)

GLANCY BINKOW & GOLDBERG LLP

Lionel Z. Glancy  
Michael Goldberg  
Robert V. Prongay  
Casey E. Sadler  
1925 Century Park East, Suite 2100  
Los Angeles, CA 90067  
Tel: (310) 201-9150  
Fax: (310) 201-9160  
Email: [info@glancylaw.com](mailto:info@glancylaw.com)

*Co-Lead Counsel in the San Mateo County Supreme Court Actions and Counsel for Plaintiffs Darryl Lazar, Vernon R. DeMois, Jr., Edward J. Shierry, Karen Cuker, Brian Gralnick and Harvey Lapin*

**STRAUSS TROY CO., LPA**  
Richard S. Wayne  
Joseph J. Braun  
The Federal Reserve Building  
150 East Fourth Street  
Cincinnati, Ohio 45202-4018  
Tel: (513) 621-2120  
Fax: (513) 629-9426

*Counsel for Plaintiff Vernon R. DeMois, Jr.,*

**AHDOOT & WOLFSON, P.C.**  
Robert Ahdoot  
Tina Wolfson  
Theodore Maya  
Bradley King  
10850 Wilshire Boulevard, Suite  
Los Angeles, CA 90024  
Tel: 310-474-9111  
Fax: 310-474-8585

*Counsel for Plaintiff Jennifer Stokes*

**INITIATIVE LEGAL GROUP APC**  
Jordan L. Lurie  
Raul Perez  
Andrew Sokolowski  
Sue Kim  
1800 Century Park East, 2nd Floor  
Los Angeles, California 90067  
Telephone: (310) 556 - 5637  
Facsimile: (310) 861 -9051

and

Jack Zwick  
100 Church Street, Suite 850  
New York, N.Y. 10007  
Telephone: (212) 385 - 1900  
Facsimile: (212) 385 - 1911

*Counsel for Plaintiff Michael Lieber*

1 Dated July 3, 2012

**DAVIS POLK & WARDWELL LLP**

2 /s/ Neal A. Potischman

3 NEAL A. POTISCHMAN

4 Neal A. Potischman  
5 Samantha H. Knox  
6 1600 El Camino Real  
7 Menlo Park, CA 94025  
Telephone: (650) 752-2000  
Facsimile: (650) 752-2111

8 **DAVIS POLK & WARDWELL LLP**

9 James P. Rouhandeh  
10 Charles S. Duggan  
11 450 Lexington Avenue  
12 New York, New York 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 701-5800

13 *Attorneys for Defendants Morgan Stanley &*  
14 *Co. LLC, J.P. Morgan Securities LLC, and Goldman,*  
15 *Sachs & Co., for themselves and on behalf of the*  
underwriter defendants

16

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18 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.**

19

20

21 Dated: July 6, 2012

22

  
HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE